

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

MARTHA DONALSON, *et al.*,

Plaintiffs,

vs.

UNITED STATES OF AMERICA;
DEPARTMENT OF INTERIOR; BUREAU
OF INDIAN AFFAIRS, *et al.*,

Defendants.

Case No.14-CV-316-JHP-FHM

OPINION AND ORDER

Plaintiffs' Motion For Leave To Conduct Discovery From Federal Defendants, [Dkt. 208], is before the undersigned United States Magistrate Judge for decision. The matter has been fully briefed. [Dkt. 208, 221, 225].

Plaintiffs seek leave to conduct discovery from the Federal Defendants in this case filed under the Administrative Procedures Act (APA). Plaintiffs recognize that typically in APA cases the parties are restricted to the administrative record. However, Plaintiffs state they seek class certification and that the proposed discovery relates to issues relevant to class certification. Defendants oppose the proposed discovery.

Motions to dismiss are pending which seek dismissal for lack of jurisdiction and for failure to state a claim. There is no motion pending for class certification. In view of these factors, the undersigned finds that Plaintiff has not met the burden of demonstrating the necessity of conducting discovery at this point.

Plaintiffs' Motion For Leave To Conduct Discovery From Federal Defendants, [Dkt. 208], is DENIED without prejudice to being reasserted after the resolution of the motions to dismiss.

SO ORDERED this 23rd day of March, 2016.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE